

Calvert County

- a. Order Appointing Child Advocate (Best Interest Attorney)**

- b. Order Appointing Counsel for Children (Children's Privilege Attorney)**

IN THE CIRCUIT COURT FOR CALVERT COUNTY, MARYLAND

Plaintiff :
vs. : Case No. C
Defendant :

ORDER APPOINTING CHILD ADVOCATE
(Best Interests Attorney)

This matter having come before the Court, it is this _____ day of _____, 2009, by the Circuit Court for Calvert County, Maryland,

ORDERED, that _____ Esquire telephone number (301) 262-7500 is hereby appointed as a Best Interest Attorney (Guardian *ad litem*), in accordance with the Maryland Standards of Practice for Court-Appointed Lawyers Representing Children in Custody cases, to provide independent legal services for the purpose of protecting the best interests of the two (2) minor children, _____, born and _____, born, without being bound by the children’s directives or objectives including consenting or not to the release of medical and/or psychiatric/psychological information pursuant to Nagle vs. Hooks; and, it is further,

ORDERED, that the parties shall fully cooperate with the attorney appointed herein in the performance of the duties instructed by this Court; and, it is further,

ORDERED, that the attorney appointed herein shall have reasonable access to the children and to all otherwise privileged or confidential information about the children, including but not limited to any protected health information, without the necessity of any further Order of Court; access to privileged and confidential information shall be without the necessity of a signed release, including medical, dental, psychiatric/psychological, social services, drug and alcohol treatment, law enforcement and educational records and information; and, it is further,

ORDERED, that the attorney appointed herein shall be compensated as follows: that the parties shall each deposit \$750.00 into the Court Registry, within ten (10) days of the date of this order, as an initial contribution towards the attorney’s fees in performance of the services identified herein; the Best Interests Attorney will not be required to begin work until the funds have been deposited; and, it is further,

ORDERED, that final allocation of fees shall be determined by the Court at a hearing on the merits of this case or upon the Petition of the attorney appointed herein; and, it is further,

ORDERED, that the attorney appointed herein shall submit a bill for services to the Court at the conclusion of the case, or upon earlier motion; and, it is further,

ORDERED, that absent further Order of this Court, the attorney appointed herein shall not be required to participate in any appeal in this matter; and, it is further,

ORDERED, that although the minor child is not party to this action, the attorney appointed herein shall be entitled to engage in discovery as part of the performance of the duties assigned herein, and to file motions or seek orders as appropriate in the fulfillment of the duties appointed herein; and, it is further,

ORDERED, that within ten (10) days of the date of this Order, counsel for Plaintiff, or Plaintiff shall provide to the attorney appointed herein copies of all pleadings and papers filed in the above action and any correspondence between the parties or counsel for the parties; and, it is further,

ORDERED, that within ten (10) days of the date of this Order, each party is to provide the attorney appointed herein the names and known addresses and telephone numbers of any and all mental health providers who have evaluated or treated the children and anyone else with whom the children may have a privilege pursuant to the Statute; and, it is further,

ORDERED, that the attorney appointed herein shall not have any *ex parte* communications with the Court; the attorney/client privilege shall be respected at all times; the attorney appointed herein may not speak to the parties without the prior permission of their respective attorneys; and, the attorneys for the parties may not speak with the child without the prior permission of the attorney appointed herein; and, it is further,

ORDERED, that the Best Interest Attorney's appointment shall conclude upon entry of a final custody order.

J U D G E

Tracey A. McKirgan
Master for Domestic Relations Causes

cc:

IN THE CIRCUIT COURT FOR CALVERT COUNTY, MARYLAND

Plaintiff

Vs

Case No. C

Defendant

ORDER APPOINTING COUNSEL FOR CHILDREN
(Children's Privilege Attorney)

This matter having come before the Court, it is this _____ day of _____, 2010, by the Circuit Court for Calvert County, Maryland,

ORDERED, that _____, Esquire, (phone #), is hereby appointed as a Children's Privilege Attorney, in accordance with the Maryland Standards of Practice for Court-Appointed Lawyers Representing Children in Custody cases, for the purpose of deciding whether to assert or waive any statutory privilege, pursuant to the case of Nagle vs. Hooks of the minor children, namely, CHILD (DOB), CHILD (DOB) and CHILD (DOB); and, it is further,

ORDERED, that the parties shall fully cooperate with the attorney appointed herein in the performance of the duties instructed by this Court; and, it is further,

ORDERED, that the attorney appointed herein shall have reasonable access to the children and to all otherwise privileged or confidential information about the children, including but not limited to any protected health information, without the necessity of any further Order of Court; access to privileged and confidential information shall be without the necessity of a signed release, including medical, dental, psychiatric/psychological, social services, drug and alcohol treatment, law enforcement and educational records and information; and, it is further,

ORDERED, that the attorney appointed herein shall be compensated as follows: that the parties shall each deposit \$750.00 into the Court Registry, within ten (10) days of the date of this order, as an initial contribution towards the attorney's fees in performance of the services identified herein; the Best Interests Attorney will not be required to begin work until the funds have been deposited; and, it is further,

ORDERED, that final allocation of fees shall be determined by the Court at a hearing on the merits of this case or upon the Petition of the attorney appointed herein; and, it is further,

ORDERED, that the attorney appointed herein shall submit a bill for services to the Court at the conclusion of the case, or upon earlier motion; and, it is further,

ORDERED, that absent further Order of this Court, the attorney appointed herein shall not be required to participate in any appeal in this matter; and, it is further,

ORDERED, that within ten (10) days of the date of this Order, counsel for Plaintiff, or Plaintiff shall provide to the attorney appointed herein copies of all pleadings and papers filed in the above action and any correspondence between the parties or counsel for the parties; and, it is further,

ORDERED, that the attorney appointed herein shall not have any *ex parte* communication with the Court; the attorney/client privilege shall be respected at all times; the attorney appointed herein may not speak to the parties without the prior permission of their respective attorneys; and, the attorneys for the parties may not speak with the children without the prior permission of the attorney appointed herein; and, it is further,

ORDERED, that the Children's Privilege Attorney's appointment shall conclude upon entry of a final custody order.

J U D G E

cc: Plaintiff's Attorney:
Defendant's Attorney:
Attorney for the Children:
Family Services